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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/734,778	12/12/2000	Miroslav Trajkovic	US000379	4700

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
P.O. BOX 3001  
BRIARCLIFF MANOR, NY 10510

EXAMINER

TRAN, TRANG U

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 11/19/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/734,778

Applicant(s)

MIROSLAV TRAJKOVIC ET AL

Examiner

Trang U. Tran

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 July 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 and 6-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 1-4 and 6-14 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-4 and 6-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rainville et al (US 2002/0069411 A1) in view of Tamura et al (US Patent No. 6,480,240 B1).

In considering claim 1, Rainville et al discloses all the claimed subject matter, note 1) the claimed a display configured to display a primary image and picture-in-

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picture image (PIP) overlaying the primary image is met by the television display 102 (Figs. 1 and 3, page 2, [0021], [0027]), 2) the claimed a processor operatively coupled to the display and configured to receive a first video data stream for the primary image and to receive a second video data stream for the PIP is met by the settop box 101 (Figs. 1 and 6, page 2, [0022]-[0025] and page 3, [0033]-[0039]), and 3) the claimed a user input device operatively coupled to the processor and configured to alter a display characteristic of the PIP with respect to the primary image is met by the remote control 107 (Figs. 1 and 5, page 2, [0029]-[0032]).

However, Rainville et al does not specifically discloses the newly added limitation wherein the display characteristic includes at least a color bias of the PIP that is independent of the first and second data streams.

Tamura et al teaches an apparatus for adjusting color bias using remote controller 18 (from col. 4, line 22 to col. 5, line 31) to increase the quality of the video signal to be displayed.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the capability of adjusting the color bias using remote controller as taught by Tamura et al into Rainville et al's system in order to increase the quality of the video signal to be displayed.

In considering claim 2, the claimed wherein the display characteristic of the PIP is a transparency of the PIP and the processor is configured to alter the transparency of the PIP with respect to the primary image is met by the video/GFX control engine 208 (Fig. 6, page 3, [0037]) of Rainville et al.

In considering claim 3, the claimed wherein the processor is configured to render the PIP transparent by combining a weighted average of the first and second video data streams is met by the video/GFX control engine 208 (Fig. 6, page 3, [0037]-[0038]) of Rainville et al.

In considering claim 4, the claimed wherein the user input device is configured to provide a signal to the processor to adjust the weighted average in response to a user input is met by the remote control 107 (Figs. 1 and 5, page 2, [0029]-[0032]) of Rainville et al.

In considering claim 6, the claimed wherein the processor is configured to alter the color bias of the PIP by combining a weighted average of the first video data stream and a color bias is met by the output 213 of the display formatter module 212 (Figs. 6 and 8, page 3, [0040]-[0057]) of Rainville et al.

In considering claim 7, the claimed wherein the user input device is configured to provide a signal to the processor to adjust the color bias of the PIP by adjusting the weighted average in response to a user input is met by the remote control 107 (Figs. 1 and 5, page 2, [0029]-[0032]) of Rainville et al.

In considering claim 8, the claimed wherein the color bias is one of a solid color bias or a color scheme is met by the color of television and graphic image (Fig. 5) of Rainville et al.

In considering claim 9, the claimed wherein the video display device is a television is met by the television display 102 (Figs. 1 and 3, page 2, [0021], [0027]) of Rainville et al.

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Claim 10 is rejected for the same reason as discussed in claims 1 and 2.

Claim 11 is rejected for the same reason as discussed in claim 3.

Claim 12 is rejected for the same reason as discussed in claims 2 and 3.

Claim 13 is rejected for the same reason as discussed in claims 7 and 8.

Claim 14 is rejected for the same reason as discussed in claim 7.

### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Trang U. Tran** whose telephone number is **(703) 305-0090**.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **John W. Miller**, can be reached at **(703) 305-4795**.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

**(703) 872-9306 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 308-HELP.

TT TT  
November 16, 2003

  
**MICHAEL H. LEE**  
**PRIMARY EXAMINER**